

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1495 Session of
1978

INTRODUCED BY SMITH AND NOSZKA, JUNE 1, 1978

REFERRED TO STATE GOVERNMENT, JUNE 1, 1978

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Department of Labor and Industry; defining its functions,
8 powers and duties; providing for procedure and enforcement;
9 providing for formulation of an educational program to
10 prevent prejudice; providing for judicial review and
11 enforcement and imposing penalties," designating certain acts
12 as not being unlawful discriminatory practices.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Subsection (a) of section 5, act of October 27,
16 1955 (P.L.744, No.222), known as the "Pennsylvania Human
17 Relations Act," amended December 19, 1974 (P.L.966, No.318), is
18 amended to read:

19 Section 5. Unlawful Discriminatory Practices.--It shall be
20 an unlawful discriminatory practice, unless based upon a bona
21 fide occupational qualification, or in the case of a fraternal
22 corporation or association, unless based upon membership in such
23 association or corporation, or except where based upon

1 applicable security regulations established by the United States
2 or the Commonwealth of Pennsylvania:

3 (a) For any employer because of the race, color, religious
4 creed, ancestry, age, sex, national origin or non-job related
5 handicap or disability of any individual to refuse to hire or
6 employ, or to bar or to discharge from employment such
7 individual, or to otherwise discriminate against such individual
8 with respect to compensation, hire, tenure, terms, conditions or
9 privileges of employment, if the individual is the best able and
10 most competent to perform the services required. The provision
11 of this paragraph shall not apply, to (1) termination of
12 employment because of the terms or conditions of any bona fide
13 retirement or pension plan, (2) operation of the terms or
14 conditions of any bona fide retirement or pension plan which
15 have the effect of a minimum service requirement, (3) operation
16 of the terms or conditions of any bona fide group or employee
17 insurance plan, (4) age limitations placed upon entry into bona
18 fide apprenticeship programs of two years or more approved by
19 the State Apprenticeship and Training Council of the Department
20 of Labor and Industry, established by the act of July 14, 1961
21 (P.L.604, No.304), known as "The Apprenticeship and Training
22 Act."

23 * * *

24 Section 2. This act shall take effect in 60 days.